

**MEMORANDUM OF UNDERSTANDING**  
**On Consular Cooperation in Cases Concerning Parental Access**  
**to Children**

## **MEMORANDUM OF UNDERSTANDING**

### **On Consular Cooperation in Cases Concerning Parental Access to Children**

The Hashemite Kingdom of Jordan and the United States of America together issue this Memorandum of Understanding setting forth guidelines for future discussions on cooperation in consular cases concerning parental access to children. Consistent with the Vienna Convention on Consular Relations, done at Vienna on 24 April 1963, to which the Hashemite Kingdom of Jordan and the United States of America are both parties, and in particular, Article 55, measures taken in fulfillment of this MOU will be carried out within the limits imposed by the applicable laws and regulations of the receiving state, in which the child is located.

### **MUTUAL CONCERNS AND BASIC PRINCIPLES**

Unresolved conflicts involving family matters, including issues related to child custody and parental access to children, can often have tragic consequences.

Except in highly unusual and limited cases, all children deserve and need to have contact with both parents.

Meaningful access by parents to their children requires arrangements that will permit a parent to have regular contact and maintain an ongoing relationship with his or her child.

### **SCOPE, PURPOSE, AND BASIS**

The Hashemite Kingdom of Jordan and the United States of America intend to seek an arrangement to enhance consular and other cooperation toward resolving and managing the difficulties involving parents residing in one country whose children reside in the other country. The Hashemite Kingdom of Jordan and the United States of America are committed to working together to encourage the maintenance of the bond between parents and their children.

The purpose of such an arrangement would be to assist a parent residing in one country to obtain meaningful access to his or her children residing in the other country. Such access could be sought in conjunction with a parent's efforts to obtain the return of a child to his or her habitual residence, or as the parent's primary goal in the context of shared custody or a custody dispute.

The basis for such an arrangement would be the Vienna Convention on Consular Relations, Articles 5(e) and (h), according to which consular functions include assisting nationals of the sending state and safeguarding the interests of children who are nationals of the sending state.

Nothing in such an arrangement would undermine the purpose to return children to their habitual residence, nor would such an arrangement or any of its terms prevent parents from attempting simultaneously to establish or enforce rights of custody and access through the legal systems of either country according to its applicable laws. Access by parents to their children is not a substitute for the return of children to their habitual residence.

#### **FACILITATING PARENTAL ACCESS TO CHILDREN**

**Encouraging Voluntary Resolution** The United States of America and the Hashemite Kingdom of Jordan encourage their citizens to reach voluntary custody and access arrangements providing both parents with rights of access to their children.

**Consular Cooperation to Promote Access:** Access by parents to their children and contact with them should include, among other things: in-person visits on a regular basis; regular telephone conversations; unlimited electronic and other correspondence; regular exchange of photographs; access by parents to children's school and medical records; and visits by consular officers when requested by a parent and approved by the other parent. In circumstances where a parent residing in one country has been unable to secure access to his or her child in the other country through

private negotiation or other appropriate legal means, the consular officials and other relevant authorities of the United States of America and the Hashemite Kingdom of Jordan intend to cooperate to facilitate access by parents to their children and contact between them, consistent with the Vienna Convention on Consular Relations, Articles 5(e) and (h).

**Facilitation of Parental Travel:** The relevant authorities in the United States of America and the Hashemite Kingdom of Jordan intend to work to ensure that visitor visas are issued without unnecessary delay to eligible applicant parents seeking to visit their children. Authorities in both countries agree to examine available avenues of legal relief from visa ineligibilities in individual cases, in order to permit parental travel. Visas permitting lengthier visits are appropriate when parents must travel long distances to visit their children.

**Facilitation of Visits.** The consular and other relevant authorities in the United States of America and the Hashemite Kingdom of Jordan plan to work with parents and with each other as needed to assist in the facilitation of visits by parents with their children. Visits should take place in private, secure, and comfortable surroundings and should be of sufficient duration to allow for meaningful interaction between parent and child.

**Freedom of Adults to Travel and Relocate:** Adults (persons 18 years of age and older) are free to choose in which country they wish to reside and may travel to and from the United States of America and the Hashemite Kingdom of Jordan for purposes of visitation or relocation in or to either country, subject to applicable visa and immigration regulations.

**Provision of Information to Parents and Others** The United States of America and the Hashemite Kingdom of Jordan intend to exchange information about the laws and practices in their respective countries relevant to child custody, parental access to children, and related matters and expect

to take steps to inform parents and other citizens of the laws and practices of the other country.

**ONGOING DISCUSSION AND COOPERATION**

This Memorandum of Understanding is expected to serve as a basis for ongoing discussion toward improving cooperation between the Hashemite Kingdom of Jordan and the United States of America. Relevant authorities expect to continue to work together to explore additional measures to promote access by parents to their children and to pursue other related objectives consistent with the mutual concerns and basic principles shared by the Hashemite Kingdom of Jordan and the United States of America and described herein.

*Razem Hashem*

*[Signature]*  
15.5.2006

For the Government of the  
Hashemite Kingdom of Jordan  
Director of Consular and  
Expatriate Affairs  
The Foreign Ministry

*MT*

*MT 15, 2006*

For the Government of the United  
States of America  
Assistant Secretary of State for  
Consular Affairs  
The Department of State